



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2016**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3205 of 2016

and

WMP(MD)No.2798 & 2799 of 2016

1.D.Sivasubramanian
2.S.Nagarajan
3.S.Sankara Narayanan
4.S.Sorimuthu Pattaraja
5.Philip Antony

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George, Chennai 600 009.

2. The Commissioner of Municipal Administration,
Chepauk, Chennai.

3. The Commissioner,
Tirunelveli Corporation, Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the impugned notification in notification No.4 of 2016 on the file of the third respondent and quash the same and further directing the respondents to promote the petitioners to the Post of Assistant Engineer in the respondent Corporation.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R-1 & R-2	: Mr.K.P.Krishnadoss, Government Advocate
For R-3	: Mr.Aayiram K.Selvakumar Government Advocate

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> Mr. K. P. Krishnadoss, learned Government Advocate takes notice for R-1 & R-2 and Mr.Aayiram K.Selvakumar, learned Government Advocate takes notice for R-3.



2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioners in the above Writ Petition are challenging the impugned notification in Notification No.4 of 2016 of the third respondent corporation to fill up the vacancies of Assistant Engineers and to further direct the respondents to promote the petitioners to the Post of Assistant Engineers in the third respondent Corporation.

4. The case of the petitioners is that originally the petitioners joined in the third respondent Corporation as N.M.R Technical Assistants and they were regularized subsequently and designated as Skilled Assistant Grade II. They have claimed to have completed their graduation in Engineering.

5. The feeder category to the Post of Assistant Engineer is Technical Assistant. Since there is no person working presently as Skilled Assistant Grade I with the requisite qualification to be promoted as Technical Assistant, the post of Assistant Engineers are sought to be filled up through direct recruitment. Hence, the petitioners made representation to the respondents seeking for consideration of their appointment to the post of Assistant Engineer. The said representation was rejected by the respondents. Hence, the petitioners have filed W.P(MD)No.14559 of 2014 challenging the order of the third respondent rejecting their representation to consider the petitioners to the Post of Assistant Engineers and the same is pending. While so, the respondents have issued the impugned notification in Notification No.4 of 2016 calling for application for the Post of Assistant Engineers for filling up the backlog vacancies and the written examination was scheduled to be conducted on 13.02.2016.

6. However, the learned Government Advocate represented that the said examination was not conducted on 13.02.2016 and the same was postponed without fixing further date.

7. Under such circumstances, the respondents are directed to consider the petitioners for the Post of Assistant Engineers in the third respondent Corporation if they are otherwise eligible for the same. In any event, any notification calling for written examination for the Post of Assistant Engineers, cannot be done by the respondents without intimation to the petitioners.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(C.O.) (I/C)

/True Copy/



To

1. The Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George, Chennai 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai.
3. The Commissioner,
Tirunelveli Corporation, Tirunelveli.

+One CC to Mr.G.Prabhu Rajadurai, Advocate in SR.No.8989
+One CC to Mr. A.Ayiram K.Selvakumar, Advocate in Sr.No. 9098

akm/24.02.2016/3p-6c/NGM/SS/SAR-I

W.P (MD) No. 3205 of 2016
15.02.2016